

AFFIDAVIT

I, Scott W. Kelley, being first duly sworn, hereby depose and state:

1. I am a Postal Inspector with the United States Postal Inspection Service (USPIS), having been appointed to this position in June 2007. I am currently assigned to the Boston Division and I am responsible for the investigation of various crimes relating to the United States Mail. Prior to my appointment as a Postal Inspector, I was a Special Agent with the Naval Criminal Investigative Service (NCIS) for approximately one year and I was responsible for investigations in the interest of the United States Navy and Marine Corp. Prior to my NCIS employment, I was a Postal Inspector with USPIS between approximately September 2003 and June 2006. I have attended training at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA and have completed Basic Inspector Training (BIT) in Potomac, MD. I have received training in the investigation of crimes involving the sexual exploitation of children by attending numerous seminars and courses. I have investigated child pornography cases and related sexual offenses for approximately eight years.
2. I have conducted numerous investigations relating to the possession, receipt, transportation, distribution, and production of child pornography and obscene visual representations of the sexual abuse of children over the Internet and the US Mail. I have received training in investigations relating to the sexual exploitation and physical sexual abuse of minors. I have reviewed thousands of images and videos of actual and suspected child pornography, child erotica, and obscene visual representations of the sexual abuse of children.
3. This affidavit is submitted in support of an application for a criminal complaint against JOSH A. WAIRI, (hereinafter "Wairi"), age 27, year of birth 1987, of 65 Beacon Street, Apartment 204, Somerville, MA, charging Wairi with a violation of 18 U.S.C. § 2252A(a) (transportation of child pornography). That statute makes it illegal for any person to knowingly mail, or transport or ship using any means or facility of interstate or foreign commerce or minor affecting interstate or foreign commerce by any means, including by computer, any child pornography.
4. The statements contained in this affidavit are based upon my personal observations, training and experience, and review of relevant records related to this investigation, as well as information provided to me by other law enforcement officers to include the Massachusetts State Police involved in this investigation.
5. This affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant. In submitting this affidavit, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

BACKGROUND - NCMEC CYBERTIP REPORT #2002138

6. In July 2013, law enforcement received a CyberTipline (CyberTip) Report ID #2002138. The CyberTip was sent to the Massachusetts Internet Crimes Against Children (MA ICAC) Task Force by the National Center for Missing & Exploited Children (NCMEC). The CyberTip was reported by an Internet Service Provider involving child pornography being disseminated and shared between two identified email addresses on July 14, 2013.

7. The report from NCMEC was in response to a report submitted by America Online (AOL) AIM¹ commonly referred to as AOL Instant Messenger. AOL reported an email exchanged between the user of an AOL email account, hottjamess@aim.com, and another email user of XXXXX73@outlook.com. AOL reported the hottjamess email account contained possible images of child pornography and further reported the user of email address hottjamess@aim.com, (with a Screen/User Name of hottjamess,) uploaded four digital files suspected of being child pornography from IP address 71.184.25.68 on Sunday, 14 Jul 2013 02:02:16-0400 (EDT).

8. The CyberTip contained the following emails provided by AOL:

Sent: Thursday, July 11, 2013
From: Matt XXXXXXXX, XXXXX73@outlook.com
To: hottjamess@aim.com
Subject: trade

saw your post on XXXXXX², looking for boys 7-13yo if your interested in trading

Sent: Friday, July 12, 2013
From: hottjamess@aim.com
To: Matt XXXXXXXX, XXXXX73@outlook.com
Subject: Re: trade

*Those were nice. Do you have vids?
Here is a small sample of the pics I have. I particularly like cut boys.*

¹ According to the AIM website, "...you can chat with friends, or collaborate on a project—AIM gives you a simple, fun way to talk and share with the groups of people that matter to you the most..."

² According to the XXXXXX.ru website, "...it is a free photo hosting website that can be used to host and share your photos with other users. All you have to do is create an account and start uploading your photos to the site. XXXXXX.ru already hosts over 29 million photos uploaded by almost half a million users. The website is available in both English and XXXXXX languages..." Based upon my training and experience, I know this site is commonly used to trade and view images of children being sexually exploited.

https://www.dropbox.com/sh/3cyy2br0tqn1yt2/4FAmb0E3J_?m

Also, here are some vids:

<https://www.dropbox.com/sh/56xo8jinzwk85jn/5BpC6SdcFX>

Sent: Fri, July 12, 2013
From: Matt XXXXXXXX, XXXXX73@outlook.com
To: hottjamess@aim.com
Subject: RE: trade

I do also have vids, about 600 if your interested I can send a still preview of them all

Sent: Fri, July 12, 2013
From: hottjamess@aim.com
To: Matt XXXXXXXX, XXXXX73@outlook.com
Subject: RE: trade

PS: Wow! 600 is a ton! How did you acquire them all?

Sent: Fri, July 12, 2013
From: Matt XXXXXXXX, XXXXX73@outlook.com
To: hottjamess@aim.com
Subject: RE: trade

I have been trading for awhile so I have built up a nice collection. sending you the index now by We Transfer,? password is BOYQT123

Sent: Sun, July 14, 2013
From: hottjamess@aim.com
To: XXXXX73@outlook.com
Subject: RE: trade

This was awesome! I was counting the videos that I have. They are about 45 plus I have about 60 more from XXXXXX users. And You have many(if not all) of them already! I am attaching a photo here of all of the vids I have and also a link to my dropbox that has 15 of the vids already uploaded. I can upload any others that you like.

As for yours, I liked that there were a few actual vidoes in the previews. THANKS! Can u send me more of them? You can pick. But I LOVE the ones with more than one boy. But I have one request: Can u send me the vid(if you ahve it)

from the compilation of videos (Titled BY48) that is the second boys. I have attached a pic of them, which I have a few, but would love to see a video. And any others would be great too!

Here is my dropbox link:

<https://www.dropbox.com/sh/56xo8jinzwk85jn/5BpC6SdcFX>

I have attached a few photos of the boys and the screen shot of my vids. I have a few more too. Also, I have a TON of photos.

Thanks and I look forward to more videos :)

James

Additionally attached to this email were files bearing the following names:

- * 7339816VQh.jpg
- * Videos.jpg
- * 7339816VQf.jpg
- * 7339816VQg.jpg

9. Law enforcement used publicly available search tools to identify the internet provider for IP address 71.184.25.68, which was used to upload the suspect child pornography on July 14, 2013. Law enforcement determined the IP address belonged to Verizon Online LLC. Law enforcement served a subpoena to Verizon Internet Services for subscriber information regarding the identity of the person assigned the IP address 71.184.25.68 referenced in paragraph 7 above.

10. Verizon Online provided the following information in response to the subpoena:

- Customer name: [A.L.]
- Account address: [Redacted address], Vineyard Haven, MA 02568
- Evening TN: [xxx-xxx-xxxx]
- VOL Account #: [xxxxxxxxx]77986³

11. Law enforcement reviewed the IP login information for hottjamess from July 11, 2013 to July 16, 2013 that included the original reported IP address noted in the Cybertip. Law enforcement used publicly available search tools to identify IP address 209.6.199.160 (July 11, 2013 05:44:14 UTC) as belonging to RCN and IP address 23.30.148.6 (July 15, 2013 03:08:23 UTC) as belonging to Comcast Business Communications. Law enforcement issued subpoenas to the above Internet service

³ Full name, full address, evening telephone number and partial account number have been redacted for purposes of this affidavit.

providers in an attempt to identify the subject using the email address of hottjamess@aim.com and the user name of hottjamess.

12. In January, 2014, law enforcement received the subpoena results from Comcast for IP address 23.30.148.6. Comcast identified the subscriber as Broadway N Showcase Laundromat, with a service address of 715 Somerville Ave, Somerville, MA.

13. In February, 2014, law enforcement received the subpoena results from RCN c/o Neustar for IP address 209.6.199.160. RCN identified the subscriber as Josh Wairi, 88 Wheatland St, Apartment 4, Somerville, MA.

14. Law enforcement queried Wairi via the Massachusetts Registry of Motor Vehicles (RMV) database and identified a Josh A. Wairi (DOB: xx/xx/87) at 65 Beacon Street, Somerville, MA with an expired license.

15. Law enforcement conducted a search of public records databases and identified Josh Wairi as previously residing at 88 Wheatland Street, Apartment 4, Somerville, MA 02145, from on or about January 2002 to July 2013. The database search also noted a current address of 65 Beacon Street, Apartment 204, Somerville, MA 02143, from on or about October 2013 to the present.

16. Law enforcement conducted a check with the Somerville Assessors Database which showed that 88 Wheatland Street, Apartment 4 is owned by Vicki Wairi, believed by USMS to be an older family member of Josh Wairi. Additionally, a query of 65 Beacon Street, Apartment 204, reflects that it is owned by Josh Wairi with a purchase date of September 23, 2013.

17. In April, 2014, law enforcement spoke with A.L. referenced in paragraph 10 above. A.L. stated she allows her neighbors to use her wireless internet (WiFi) at her Vineyard Haven residence. Law enforcement checked the WiFi and found that it was password protected. A.L. stated that one neighbor; P.B. of a specific address in Brookline, MA has her Wi-Fi password. A.L. stated that P'B's daughter, A.B., and her fiancé, D.L., often stay at her Hines Point Road residence. A.L. said she believes A.B. teaches in or around Boston. A.L. was not exactly sure where A.B. worked in Boston but she thought it was Somerville, MA.⁴

18. Law enforcement conducted an internet search for both Josh Wairi and A.B. As a result law enforcement learned that in 2010 A.B. and Josh Wairi were members of a Somerville school counsel together and they were both listed as teachers.

19. Law enforcement conducted a review Josh Wairi's Facebook account. Wairi's Facebook accounts privacy settings allowed some information to be shared with the

⁴ Full names of these individuals have been redacted and initials are used throughout for purposes of this affidavit.

public. Law enforcement found that on June 25, 2013, and August 12, 2013, A.B. 'liked' a picture Wairi had posted to his account.

BACKGROUND- NCMEC CYBERTIP REPORT # 2067882
AND SEARCH WARRANT

20. In April 2014, the Massachusetts State Police and I uncovered an additional CyberTip pertaining to the suspected uploading of child pornography to an on-line storage provider. The investigation was initiated after a report from DropBox Incorporated to NCMEC, detailed in Cybertip report # 2067882.

21. According to CyberTip Report # 2067882, DropBox reported that on or about August 27, 2013, a user with email address of hottjamess@aim.com and a Screen Name/User Name of James S uploaded eight suspected images/videos of child pornography. Specifically, this user name uploaded eight separate images of child pornography. The specific file names and times are as follows:

- (a) Bibcam⁵-Boy 13-Webcam-w12 Do U Want It (2).wmv
- (b) bibcam-Two Boys BJ (2).wmv
- (c) bibcam-School Boy's Jerkoff, White Target Shirt-Pink Blaid Boxers-Cums In Hand.mpg
- (d) Bibcam-Myboys.mpg
- (e) AZN MNL KDV PJK RBV BIBCAM Gay kids-Horny 12 yo preteen boy jacks off and squirts cum 9308.mpg
- (f) Bibcam-My young nephew on camera-caught with pants down-very nice uncut dick-Pthc⁶ Webcam Gay Boy.mpg
- (g) Bibcam-11YO Boy Man (2).wmv
- (h) 7yo and cousin.wmv

22. In April, 2014, this Court authorized a search warrant to view the eight video files contained within the CyberTip # 2067882.

⁵ Based upon my training and experience I know this is a common term used in child exploitation meaning "boys in bedroom".

⁶ Based upon my training and experience I know this is a common term used in child exploitation meaning "Pre-Teen Hard Core".

23. In April, 2014, I executed the search warrant on the subject video files outlined in paragraph 21 above. Based upon my training and experience, I believe that the above videos constitute the visual depiction of minors engaged in sexually explicit conduct.

24. The following is a sample detailed description of the video files listed in paragraph 21 above:

a. **7yo and cousin.wmv**- This video depicts an adult male sitting in a chair with a prepubescent minor male sitting on his lap in his underwear. The minor male's underwear are pulled down exposing the minor's genitals. The adult male touches the minor male's penis with his hands. The adult male positions the minor male with his buttocks facing the camera exposing his anus. The adult male uses his finger and touches the minor male's anus.

b. **Bibcam-Myboys.mpg**- This video depicts two prepubescent minor males exposing their genitals. One minor male has no shirt on and opens his pants, removes his penis exposing his genitals and starts to pull on his erect penis with his hands. The other minor male is wearing shorts and removes his penis from his shorts and exposes his genitals while touching his penis with his hands.

c. **Bibcam-11YO Boy Man (2).wmv**- This video depicts an adult male and a prepubescent minor male. The adult male is lying on his back and the minor male has his mouth on the adult male's penis performing oral sex. During the video the minor male sits on the lap area of adult male at this time the minor male's and the adult male's penises are touching.

ADDITIONAL INFORMATION

25. Law enforcement conducted a search of publicly accessible websites for the name hottjammes. This search resulted in the discovery of an account located on an International site commonly used to trade and view images of children being sexually exploited. The name on the account was HOTTJAMESS. The account listed the "Real Name as James" with an email account of hottjamessl@gmail.com. The user information was as follows:

*****NEW EMAIL ADDRESS*** I LOVE boys 8 to 13. Send me pictures and videos and I will send back. I have a TON of pictures and videos. This is my first time. Happy Browsing."*

26. Law enforcement served a subpoena on Google Incorporated for subscriber information concerning the email address hottjamessl@gmail.com. Google Incorporated responded with the following subscriber information:

Name: James Smanthy
Email: hottjamessl@gmail.com
Created on: July 17, 2013 23:02:29-UTC

IP: 209.6.199.160

27. Law enforcement used publicly available search tools to identify IP address 209.6.199.160 (July 17, 2013 23:02:29TC) as belonging to RCN. Law enforcement noted this IP address is the same IP address noted in paragraph 13 above. Records revealed that on July 11, 2013, this exact same IP address was assigned to Josh Wairi, 88 Wheatland St, Apartment 4, Somerville, MA.

Follow Up Investigation/ Onsite Forensic Review of “USB HP V195B 32 GB Thumb Drive”

28. On April 15, 2014, law enforcement conducted an interview of A.B. referenced in paragraphs 17, 18 and 19 above. A.B. confirmed that her family owns a residence at a particular road in Vineyard Haven, Massachusetts. A.B. reported they share Wi-Fi internet service with the neighbor referenced in paragraph 17 above. A.B. stated the Wi-Fi is secured and it is password protected.

29. A.B. reported that Josh Wairi was a friend of hers whom she knew from teaching and he spent time at her residence in Vineyard Haven on multiple occasions in the summer of 2013. A.B. recalled a couple of times in July 2013 and also one time during August 2013 when Wairi would stay at her residence in Vineyard Haven for a few nights at a time and he brought a suitcase with him when he stayed there. A.B. stated she probably provided Wairi with the password to the secured internet of her Vineyard Haven residence. A.B. confirmed that Wairi was previous co-worker of hers from a time when she was employed by the Somerville Public Schools system.

30. A.B. reported that Wairi was living with his mother (Vicki Wairi) at a residence located at 88 Wheatland Street in Somerville, MA until he purchased a place on his own. A.B. stated Wairi then moved into his new residence located at 65 Beacon Street in Somerville, Massachusetts. A.B. was unsure of Wairi's apartment number at that Beacon Street residence although she stated there was a parking garage located under the building and when she visited Wairi there, she took an elevator up to a different floor in order to get to his apartment. A.B. stated she was at Wairi's 65 Beacon Street residence on a couple of occasions: once to help Wairi move into his apartment and another time to attend a house warming party for Wairi at his apartment. A.B. also mentioned there was day care center located on the first floor of that building located at 65 Beacon Street.

31. On April 16, 2014, this court authorized a search warrant for the residence located 65 Beacon Street, Apartment 204, Somerville, MA.

32. On April 17, 2014, law enforcement executed the search warrant at the above residence. Upon arrival, law enforcement entered the building and knocked on the door of Apartment 204. After knocking and announcing themselves several times and receiving no answer, law enforcement executed a forced entry into that apartment. Josh Wairi was located inside the residence. Law enforcement identified themselves to Wairi

and informed him that they had a search warrant for those premises. Wairi stated was able to read and write English and was a college graduate. He denied using any controlled substances. Wairi was advised of his rights pursuant to Miranda and after signing a consent form, agreed to speak with law enforcement.

33. Inside the residence, law enforcement observed, among other things, the following items: several computers, cameras, video cameras, numerous external storage devices, thumb drives, multiple photo albums, and many photographs of children. Additionally, there was a Disney shower curtain located in the bathroom.

34. Among other things, Wairi admitted he spent time in Vineyard Haven during the summer of 2013 with AB. He confirmed his previous email address of hottjamess@aim.com. Wairi admitted he used this email account to trade and receive images of child pornography. He admitted to using an international website to locate images of child pornography and then contacting various users via email in order to trade images and videos of children being sexually exploited. Wairi admitted his user name for the international site was "hottjamess". Additionally, Wairi admitted to uploading images and videos of children being sexually exploited to Dropbox. He confirmed he used Dropbox as a means to transfer the images and videos of child pornography to other users and to other emails.

35. Wairi stated the computer and computer related items located inside his bedroom were his and he was the only person with access to them. Wairi admitted he used his Dell computer located in his bedroom to view child pornography. Wairi stated there are thumb drives located in his room which contain images of child pornography. Law enforcement located several thumb drives in his bedroom. Wairi stated he located these images from that same international website as well as from him trading on-line with other individuals. Wairi estimated that he possessed hundreds of images and videos of child pornography.

36. Wairi admitted he viewed the images of child pornography for sexual self-gratification and masturbated to these images of child pornography on a weekly basis. Wairi admitted these images and videos of children would sexually arouse him.

37. Wairi confirmed he is currently employed by the City of Cambridge School Department which law enforcement has also confirmed. Wairi is currently a 5th grade teacher.

38. During the course of the interview, Wairi admitted to secretly videotaping and using a camera cell phone to videotape children changing in and out of clothes on more than one occasion. He also admitted to setting up and hiding a video camera in a locker room in order to videotape children changing in and out of clothes. Wairi told authorities that he committed these acts for sexual self-gratification and would masturbate while viewing these recordings.

39. Wairi also stated he has hundreds of videos containing child pornography at his residence.

40. He further stated that he has posted an advertisement on Craigslist where he has offered his babysitting services.

41. During the course of the search warrant, law enforcement conducted an on-site preview of the above noted thumb drive identified by Wairi as containing images of child pornography. I have viewed the images on this thumb drive and the following is a sample description of the images:

(a) 007.jpg

This image contains two prepubescent minor males naked. One minor male is on his back with his legs apart exposing his genitals. The other minor male appears to be inserting or touch his penis in the or around the anus of the other minor male.

(b) 0017.jpg

This image contains a prepubescent minor male naked in the genital area. There is another person in the image with only his penis showing and inserted into the anus of the minor male.

(c) 0000.jpg

This image contains a prepubescent minor male child on his knees naked from the waist down. The minor child's anus and genitals area exposed. There is another person which appears to be an adult male is naked from the waist down with his penis in his hand.

(d) 0001.jpg

This image contains a prepubescent minor male child only showing his face. The minor child has what appears to be an adult male penis in his mouth.

CONCLUSION

42. Based upon the information set forth above, I submit there is probable cause to conclude that between on or about July, 2013, to present, JOSH WAIRI, transported child pornography, in violation of 18 U.S.C. § 2252A(a).



Scott W. Kelley
United States Postal Inspector

SUBSCRIBED and SWORN
before me this 17th day of April, 2014



DAVID H. HENNESSY
UNITED STATES MAGISTRATE JUDGE

